

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MOTHER RAGUEL MARIE
BIZARRETTY BEY, *et al.*,

Plaintiffs,

v.

Case No. 8:23-cv-973-WFJ-TGW

BAY RIDERS
WATERSPORTS, LLC, *et al.*,

Defendants.

ORDER

This cause comes before the Court on Plaintiff's amended complaint (Dkt. 12). The magistrate judge issued a report recommending that the amended complaint be dismissed with prejudice. Dkt. 13. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge found that the amended complaint (Dkt. 12) continues to suffer from the lack of any federal jurisdiction. As noted in the earlier report and recommendation, this dispute involves a lease agreement. Federal trademark law does not provide Plaintiff a right of recovery; nor do the various federal criminal

statutes cited give rise to a private right of action. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation (Dkt. 13) should be adopted as part of this order, confirmed, and approved in all respects. Accordingly, the Court rules as follows:

1. The Report and Recommendation (Dkt. 13) is adopted, confirmed, and approved in all respects and made a part of this order.

2. Plaintiff's amended complaint (Dkt. 12) is dismissed with prejudice. Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) is denied. Plaintiff's motion for entry of clerk's default (Dkt. 14) is denied.

3. The Clerk is directed to close this case.

DONE AND ORDERED at Tampa, Florida, on November 28, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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Plaintiff, *pro se*